

Board of Zoning Appeals

Minutes

March 10, 2020

Members present: John Golzy (Chairperson), Lisa Carson, John Gutekanst, Kay Tousley, Aaron Thomas (alternate), Robert Delach (alternate).

City officials present: David Riggs (Zoning Administrator), Paul Eschenbacher (secretary), Lisa Eliason (City Law Director).

The meeting was called to order at 7:03pm in City Council Chambers, third floor of City Hall. The Chairperson noted that, with the absence of one full-time member, Mr. Thomas would be a voting member of the Board for this meeting. He then introduced a video about the policies and procedures of the Board. He then swore in, under oath, those intending to give testimony.

Case #20-02V 19 South Congress Street Zone R-3 Trent DeBruin, appellant

Appellant is requesting a variance from ACC 23.10.01, Table A, Schedule of Bulk Controls, to allow remodeling of buildings resulting in forty-four percent (44%) building lot coverage, where forty percent (40%) building lot coverage is the maximum allowed.

The Chairperson called on the secretary to testify.

The secretary said that, even though the building lot coverage is more than allowed, the total lot coverage will be at 60%, which is the maximum allowed. Ms. Tousley asked about the number of buildings involved. The secretary said that only one is referenced.

The Chairperson called on the appellant to testify.

Kurt Montle (owner, Uptown Realty Group, 74 Elmwood Place) addressed the Board. Mr. Montle said that after recently purchasing this property, they are upgrading the property as they see necessary. He said the footprint of the proposed balconies will be approximately four feet by ten feet. Mr. Montle said that he wants for his building what other buildings in the neighborhood have, covered porches. He added that he thinks most buildings in this neighborhood are non-conforming like his property.

Mr. Montle stated that this design is the least invasive and involves minimum enhancement. He said that besides the balconies, the front stoop will be replaced and a new canopy will be installed on the right side.

Ms. Tousley asked if this is the only building being altered. Mr. Montle said that it was, and the other two buildings on site are being repainted inside.

Mr. Gutekanst asked if the proposed balconies cause any change in exits for the tenants. Mr. Montle said that it would not, other than providing an extra way out via each balcony for each apartment.

The Chairperson asked if anyone wanted to speak in favor of, make general comment about, or speak against the variance. No one came forward

The Chairperson closed the floor for discussion.

On a motion by Ms. Tousley, seconded by Mr. Gutekanst, the Board moved to grant to the property at 19 South Congress Street a variance from ACC 23.10.01, Table A, Schedule of Bulk Controls, to allow remodeling of a building resulting in forty-four percent (44%) building lot coverage, where forty percent (40%) building lot coverage is the maximum allowed.

FINDINGS:

- 1.) **EXCEPTIONAL CIRCUMSTANCES:** It is already non-conforming and the appellant does not have a larger lot.
- 2.) **HARDSHIP AND DIFFICULTY:** Always.
- 3.) **PRESERVATION OF EQUAL PROPERTY RIGHTS:** Yes.
- 4.) **MINIMUM VARIANCE:** Yes.
- 5.) **ABSENCE OF DETRIMENT:** Yes.
- 6.) **NOT OF A GENERAL NATURE:** Yes.

The Chairperson called for a vote: Yes— Carson, Golzy, Gutekanst, Thomas, Tousley. No—no one. Motion approved; variance granted.

OTHER BUSINESS:

--*Disposition of minutes from December 10, 2019 meeting.* On a motion by Ms. Carson, seconded by Mr. Tousley, the Board moved to accept the minutes of the December 10, 2019 meeting 4-0.

--*Organizational meeting.* Ms. Tousley nominated Mr. Golzy to continue as Chairperson, seconded by Mr. Thomas. The Board voted 5-0. Mr. Golzy accepted the nomination.

--*Conference with City Law Director.* Lisa Eliason gave a presentation on Ohio Sunshine Laws, and informed the Board of past court cases involving the Zoning Board for Athens.

The meeting was adjourned at 7:52pm.

John Golzy (Chairperson)

Paul Eschenbacher (secretary)